

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse with Rio Grande Regional Hospital, McAllen, Texas, and had been in this position for eight (8) months.
7. On or about October 9, 2004, through July 7, 2005, while employed as a Staff Nurse with Rio Grande Regional Hospital, McAllen, Texas, Respondent misappropriated the unused portion of a vial of Lasix 40 mg, a Dangerous Drug, which accidentally remained in her pocket as she left the hospital at the end of her shift. Respondent then provided the Lasix to a Physician's Assistant at McAllen Primary Care Clinic, McAllen, Texas, where she was also employed as an Administrator, so that the Lasix could be administered to one of the clinic's patients. Respondent's conduct violated Chapter 483 Texas Health and Safety Code (Dangerous Drug Act) and defrauded the hospital and patient of the cost of the medication.
8. On or about November 22, 2004, while employed as a Staff Nurse with Rio Grande Regional Hospital, McAllen, Texas, Respondent obtained Lorazepam in excess of the physician's order and failed to document administration or wastage of the excess Lorazepam in the medical record of Patient H02007213116, as required. Respondent's conduct violated Chapter 481 Texas Health and Safety Code (Controlled Substances Act), resulted in an incomplete medical record, and/or was likely to injure the patient in that the administration of medications in excess of physician's order could result in adverse reaction.
9. On or about March 23, 2005, while employed as a Staff Nurse with Rio Grande Regional Hospital, McAllen, Texas, Respondent erroneously documented in the medical record of Patient H02007632033 an earlier administration time of 2200 for Lorazepam which she had obtained at 2349 and 2355. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would not have accurate information on which to base their care decisions.
10. On or about November 14, 2005, while employed as a Staff Nurse with Rio Grande Regional Hospital, McAllen, Texas, Respondent obtained Lorazepam in excess of the physician's order for Patient H0200836667, erroneously documented an earlier time of administration, and failed to document wastage or administration of the excess Lorazepam, as follows:

Date & Time	Qty	Medication and Order	Medication Administration Record	Nurses Notes	Wastage
11/14/05 2255	1	Lorazepam 1 mg tab 0.5 mg twice daily	Yes, 0.5 @ 2235	No	Yes, 1 @ 2309
11/14/05 2310	1	Lorazepam 1 mg tab 0.5 mg twice daily	no	No	No

Consequently, of the 2 mg Lorazepam that Respondent obtained, Respondent documented that she administered 0.5 mg and that she wasted 1 mg, thereby resulting in 0.5 mg Lorazepam that was neither documented as administered nor documented as wasted. Respondent's conduct violated Chapter 481 Texas Health and Safety Code (Controlled

Substances Act), resulted in an incomplete medical record, and was likely to injure the patient in that the administration of medications in excess of physician's order could result in adverse reaction.

11. On or about February 18, 2006, while employed as a Staff Nurse with Rio Grande Regional Hospital, McAllen, Texas, Respondent erroneously documented in the medical record of Patient H02008725457 that she administered Lorazepam 3 mg at 0108 when Respondent did not obtain the Lorazepam 3 mg until 0152, forty-four (44) minutes later. Respondent's conduct resulted in an incomplete medical record and was likely to injure the patient in that subsequent care givers would not have accurate information on which to base their care decisions.
12. On or about March 2006, while employed as an Administrator with McAllen Primary Care Clinic, McAllen, Texas, Respondent misappropriated Zoloft from the clinic's supply of sample medications and self-medicated with the Zoloft for a period of four (4) days. Respondent's conduct defrauded the clinic of the cost of the medications.
13. On or about June 15, 2006, through June 28, 2006, while employed as an Administrator with McAllen Primary Care Clinic, McAllen, Texas, Respondent failed to ensure the proper and timely disposal of bio-hazardous waste, and instead, allowed the waste to accumulate in a storage room behind a locked glass door outside of the clinic and within public access. Respondent's conduct unnecessarily exposed the public to potentially infectious bio-hazardous waste.
14. Formal Charges were filed on March 25, 2009.
15. Formal Charges were mailed to Respondent on March 26, 2009.
16. In response to the incidents in Findings of Fact Numbers Seven (7) through Thirteen (13), Respondent states that, regarding the Lasix, she inadvertently left the facility with the Lasix in her pocket after working her shift. Regarding the Lorazepam discrepancies, Respondent states that she does not recall the specific incidents, but speculates that she could have written incorrect times in the medical records and that she may have possibly dropped the medication on March 23, 2005, on the patient's floor and then failed to document the wastage of the half that she did not administer. Regarding the Zoloft, Respondent states that she had been previously prescribed Zoloft and that samples were provided from the clinic stock. In regards to the biohazardous waste, Respondent does not recall the incidents but asserts that her only job as the administrator was to pay the clinic's bills.

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CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(B),(1)(C), (1)(D)&(1)(O) and 217.12(1)(B),(1)(C),(2),(4),(6)(A),(6)(G),(8),(10)(B),(10)(E),(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 703448, heretofore issued to DESAUSSURE M. TREVINO, including revocation of Respondent's license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a LIMITED LICENSE with Stipulations, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) While under the terms of this Order, RESPONDENT SHALL NOT provide direct patient care. For the purposes of this Order, direct patient care involves a personal relationship between the Nurse and the client, and includes, but is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care.

(2) SHOULD RESPONDENT desire to return to a clinical practice setting, which would require her to provide direct patient care, RESPONDENT SHALL petition the Board for such approval.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 26th day of June, 2009.

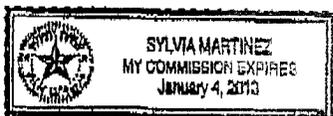
Desaussure M. Trevino
DESAUSSURE M. TREVINO, Respondent

Sworn to and subscribed before me this 29th day of June, 2009.

SEAL

Sylvia Martinez

Notary Public in and for the State of Texas



Approved as to form and substance.

Sherry M. Statman
Sherry M. Statman, Attorney for Respondent

Signed this 30 day of June, 2009

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 26TH day of June, 2009, by DESAUSSURE M. TREVINO, Registered Nurse License Number 703448, and said Order is final.

Effective this 18TH day of August, 2009.



Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board